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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **MAIL STOP**  
Fabrizio Alessandro Maspero et al. )  
Application No.: 10/840,041 ) Group Art Unit: 3733  
Filed: May 6, 2004 ) Examiner: ANURADHA RAMANA  
For: BIOCOMPATIBLE BONE IMPLANT ) Confirmation No.: 7765  
COMPOSITIONS AND METHODS )  
FOR REPAIRING A BONE DEFECT )  
)

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Official Action dated June 27, 2007, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- Group I      Claims 1-22;  
Group II      Claims 23-35; and  
Group III      Claim 36-40.

Accordingly, Applicants provisionally elect Group I, the subject matter of Claims 1-22, with traverse. Applicants submit that the restriction requirement is in error. It is believed that in examining the non-elected claims, the Examiner will search the same classes of art as is required to search the invention of the elected claims, resulting in the same references being cited against the aforementioned groups of claims.